BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the First Amended Accusation Against: LISA ANNE PANAB a.k.a. LISA ANNE KESLER a.k.a. LISA ANN KESLER a.k.a. LISA AANNE KESLER 13061 Rosedale Highway #182 Bakersfield, CA 93312 Pharmacist License No. RPH 47276 Respondent.	Case No. 3050 OAH No. L-2007060143

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy as its Decision in this matter.

This Decision shall become effective on June 27, 2008.

It is so ORDERED May 28, 2008.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By _____
WILLIAM POWERS
Board President

EDMUND G. BROWN JR., Attorney General
of the State of California
GLORIA A. BARRIOS
Supervising Deputy Attorney General
LINDA L. SUN, State Bar No. 207108
Deputy Attorney General
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 897-6375
Facsimile: (213) 897-2804

Attorneys for Complainant

BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the First Amended Accusation Against: LISA ANNE PANAB a.k.a. LISA ANNE KESLER a.k.a. LISA ANN KESLER a.k.a. LISA AANNE KESLER 13061 Rosedale Highway #182 Bakersfield, CA 93312 Pharmacist License No. RPH 47276 Respondent.	Case No. 3050 OAH No. L-2007060143 **STIPULATED SETTLEMENT AND DISCIPLINARY ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-entitled proceedings that the following matters are true:

PARTIES

1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy (Board). She brought this action solely in her official capacity and is represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California, by Linda L. Sun, Deputy Attorney General.

2. Respondent is represented in this proceeding by attorney Samuel Spital, whose address is 8880 Rio San Diego Dr., #800, San Diego, CA 92108.

3. On or about August 4, 1994, the Board of Pharmacy issued Pharmacist License No. RPH 47276 to Respondent. The Pharmacist License was in full force and effect at all times relevant to the charges brought in First Amended Accusation No. 3050 and will expire on September 30, 2009, unless renewed.

JURISDICTION

4. First Amended Accusation No. 3050 was filed before the Board December 18, 2007, and is currently pending against Respondent. The First Amended Accusation and all other statutorily required documents were properly served on Respondent on December 21, 2007. Respondent timely filed her Notice of Defense contesting the Accusation and the First Amended Accusation. A copy of First Amended Accusation No. 3050 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in First Amended Accusation No. 3050. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the First Amended Accusation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

///

///

///

CULPABILITY

8. Respondent understands and agrees that the charges and allegations in First Amended Accusation No. 3050, if proven at a hearing, constitute cause for imposing discipline upon her Pharmacist License.

9. For the purpose of resolving the First Amended Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the First Amended Accusation, and that Respondent hereby gives up her right to contest those charges.

10. Respondent agrees that her Pharmacist License is subject to discipline and she agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

RESERVATION

11. The admissions made by Respondent herein are only for the purposes of this proceeding, or any other proceedings in which the Board or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

CONTINGENCY

12. This Stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

///

///

13. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Pharmacist License No. RPH 47276 issued to Respondent is revoked. However, the revocation is stayed and Respondent is placed on probation for five (5) years on the following terms and conditions.

1. **Actual Suspension**. As part of probation, Respondent is suspended from the practice of pharmacy for 12 months beginning the effective date of this Decision.

During suspension, Respondent shall not enter any pharmacy area or any portion of the licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of drugs which is licensed by the Board, or any manufacturer, or where dangerous drugs and devices or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient consultation; nor shall Respondent manage, administer, or be a consultant to any licensee of the Board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled substances.

Respondent shall not engage in any activity that requires the professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or an exemptee for any entity licensed by the Board.

2. **Obey All Laws.** Respondent shall obey all state and federal laws and regulations substantially related to or governing the practice of pharmacy.

Respondent shall report any of the following occurrences to the Board, in writing, within 72 hours of such occurrence:

- an arrest or issuance of a criminal complaint for violation of any provision of the Pharmacy Law, state and federal food and drug laws, or state and federal controlled substances laws;
- a plea of guilty or nolo contendere in any state or federal criminal proceeding to any criminal complaint, information or indictment;
- a conviction of any crime;
- discipline, citation, or other administrative action filed by any state and federal agency which involves Respondent's license or which is related to the practice of pharmacy or the manufacturing, obtaining, handling or distribution or billing or charging for any drug, device or controlled substance.

3. **Reporting to the Board.** Respondent shall report to the Board quarterly. The report shall be made either in person or in writing, as directed. Respondent shall state under penalty of perjury whether there has been compliance with all the terms and conditions of probation. If the final probation report **is not** made as directed, probation shall be extended automatically until such time as the final report is made and accepted by the Board.

4. **Interview with the Board.** Upon receipt of reasonable notice, Respondent shall appear in person for interviews with the Board upon request at various intervals at a location to be determined by the Board. Failure to appear for a scheduled interview without prior notification to Board staff shall be considered a violation of probation.

5. **Cooperation with Board Staff.** Respondent shall cooperate with the Board's inspection program and in the Board's monitoring and investigation of Respondent's compliance with the terms and conditions of her probation. Failure to comply shall be considered a violation of probation.

6. **Continuing Education.** Respondent shall provide evidence of efforts to maintain skill and knowledge as a pharmacist as directed by the Board.

///

///

7. **Notice to Employers.** Respondent shall notify all present and prospective employers of the decision in Case No. 3065 and the terms, conditions and restrictions imposed on Respondent by the decision. Within 30 days of the effective date of this decision, and within 15 days of Respondent undertaking new employment, Respondent shall cause her direct supervisor, pharmacist-in-charge and/or owner to report to the Board in writing acknowledging the employer has read the decision in Case No. 3065.

If Respondent works for or is employed by or through a pharmacy employment service, Respondent must notify the direct supervisor, pharmacist-in-charge, and/or owner at every pharmacy of the and terms conditions of the decision in Case No. 3065 in advance of the Respondent commencing work at each pharmacy.

"Employment" within the meaning of this provision shall include any full-time, part-time, temporary, relief or pharmacy management service as a pharmacist, whether the Respondent is considered an employee or independent contractor.

8. **No Preceptorships, Supervision of Interns, Being Pharmacist-in-Charge (PIC), or Serving as a Consultant.** Respondent shall not supervise any intern pharmacist or perform any of the duties of a preceptor, nor shall Respondent be the pharmacist-in-charge of any entity licensed by the Board unless otherwise specified in this order.

9. **No Ownership of Premises.** During the period of probation, Respondent shall not own, have any legal or beneficial interest in, or serve as a manager, administrator, member, officer, director, associate, or partner of any business, firm, partnership, or corporation currently or hereinafter licensed by the Board. Respondent shall sell or transfer any legal or beneficial interest in any entity licensed by the Board within 90 days following the effective date of this decision and shall immediately thereafter provide written proof thereof to the Board.

10. **Reimbursement of Board Costs.** Respondent shall pay to the Board its costs of investigation and prosecution in the amount of seven-thousand eight-hundred and fifty dollars ($7,850). Respondent shall make said payments in quarterly installments.

The filing of bankruptcy by Respondent shall not relieve Respondent of her responsibility to reimburse the Board its costs of investigation and prosecution.

11. **Probation Monitoring Costs.** Respondent shall pay the costs associated with probation monitoring as determined by the Board each and every year of probation. Such costs shall be payable to the Board at the end of each year of probation. Failure to pay such costs shall be considered a violation of probation.

12. **Status of License**. Respondent shall, at all times while on probation, maintain an active current license with the Board, including any period during which suspension or probation is tolled.

If Respondent's license expires or is canceled by operation of law or otherwise, upon renewal or reapplication, Respondent's license shall be subject to all terms and conditions of this probation not previously satisfied.

13. **License Surrender while on Probation/Suspension.** Following the effective date of this decision, should Respondent cease practice due to retirement or health, or be otherwise unable to satisfy the terms and conditions of probation, Respondent may tender her license to the Board for surrender. The Board shall have the discretion whether to grant the request for surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the license, Respondent will no longer be subject to the terms and conditions of probation.

Upon acceptance of the surrender, Respondent shall relinquish her pocket license to the Board within10 days of notification by the Board that the surrender is accepted. Respondent may not reapply for any license from the Board for three years from the effective date of the surrender. Respondent shall meet all requirements applicable to the license sought as of the date the application for that license is submitted to the Board.

14. **Notification of Employment/Mailing Address Change.** Respondent shall notify the Board in writing within 10 days of any change of employment. Said notification shall include the reasons for leaving and/or the address of the new employer, supervisor or owner and work schedule if known. Respondent shall notify the Board in

writing within 10 days of a change in name, mailing address or phone number.

15. **Tolling of Probation**. Respondent shall work at least 40 hours in each calendar month as a pharmacist and at least an average of 80 hours per month in any six consecutive months following the 12-month suspension. Failure to do so will be a violation of probation. If Respondent has not complied with this condition during the probationary term, and Respondent has presented sufficient documentation of her good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of Respondent's probation period up to one year without further hearing in order to comply with this condition.

16. **Violation of Probation.** If Respondent violates probation in any respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order which was stayed. If a petition to revoke probation or an accusation is filed against Respondent during probation, the Board shall have continuing jurisdiction and the period of probation shall be extended, until the petition to revoke probation or accusation is heard and decided.

If Respondent has not complied with any term or condition of probation, the Board shall have continuing jurisdiction over Respondent, and probation shall automatically be extended until all terms and conditions have been satisfied or the Board has taken other action as deemed appropriate to treat the failure to comply as a violation of probation, to terminate probation, and to impose the penalty which was stayed.

17. **Completion of Probation.** Upon successful completion of probation, Respondent's license will be fully restored.

18. **Rehabilitation Program - Pharmacists Recovery Program (PRP).** Within 30 days of the effective date of this decision, Respondent shall contact the Pharmacists Recovery Program for evaluation and shall successfully participate in and complete the treatment contract and any subsequent addendums as recommended and provided by the PRP and as approved by the Board. The costs for PRP participation shall be borne by the Respondent.

If Respondent is currently enrolled in the PRP, said participation is now mandatory and is no longer considered a self-referral under Business and Professions Code section 4363, as of the effective date of this decision. Respondent shall successfully participate in and complete her current contract and any subsequent addendums with the PRP. Probation shall be automatically extended until Respondent successfully completes her treatment contract. If Respondent is terminated from the program, she shall be automatically suspended upon notice by the Board. Respondent may not resume the practice of pharmacy until notified by the Board in writing. The Board shall retain jurisdiction to institute action to terminate probation for any violation of this term.

19. **Random Drug Screening.** Respondent, at her own expense, shall participate in random testing, including but not limited to biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or a drug screening program approved by the Board. The length of time shall be for the entire probation period and the frequency of testing will be determined by the Board. At all times Respondent shall fully cooperate with the Board, and shall, when directed, submit to such tests and samples for the detection of alcohol, narcotics, hypnotics, dangerous drugs or other controlled substances. Failure to submit to testing as directed shall constitute a violation of probation. Any confirmed positive drug test shall result in the immediate suspension of practice by Respondent. Respondent may not resume the practice of pharmacy until notified by the Board in writing.

20. **Abstain from Drugs and Alcohol Use.** Respondent shall completely abstain from the possession or use of alcohol, controlled substances, dangerous drugs and their associated paraphernalia except when the drugs are lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon request of the Board, Respondent shall provide documentation from the licensed practitioner that the prescription was legitimately issued and is a necessary part of the treatment of the Respondent.

21. **Ethics Course.** Within 180 calendar days of the effective date of this decision, Respondent shall enroll in a course in Ethics at Respondent's expense, approved in advance by the Board or its designee. Failure to initiate the course during the first year of

probation, and complete it within the second year of probation, is a violation of probation.

Respondent shall submit a certificate of completion to the Board or its designee within five days after completing the course.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Samuel Spital. I understand the stipulation and the effect it will have on my Pharmacist License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board.

DATED: 4/3/08

LISA ANNE PANAB A.K.A. LISA ANNE KESLER
Respondent

I have read and fully discussed with Respondent Lisa Anne Panab a.k.a. Lisa Anne Kesler the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 4/4/08

SAMUEL SPITAL
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board.

DATED: 4/7/08

EDMUND G. BROWN JR., Attorney General
of the State of California

GLORIA A. BARRIOS
Supervising Deputy Attorney General

LINDA L. SUN
Deputy Attorney General

Attorneys for Complainant

Exhibit A

First Amended Accusation No. 3050

EDMUND G. BROWN JR., Attorney General
of the State of California
GLORIA A. BARRIOS
Supervising Deputy Attorney General
LINDA L. SUN, State Bar No. 207108
Deputy Attorney General
California Department of Justice
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 897-6375
Facsimile: (213) 897-2804

Attorneys for Complainant

BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the First Amended Accusation Against: LISA ANNE PANAB a.k.a. LISA ANNE KESLER a.k.a. LISA ANN KESLER a.k.a. LISA AANNE KESLER 13061 Rosedale Highway #182 Bakersfield, CA 93312 Pharmacist License No. RPH 47276 Respondent.	Case No. 3050 **FIRST AMENDED ACCUSATION**

Complainant alleges:

PARTIES

1. Virginia Herold (Complainant) brings this First Amended Accusation solely in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs (Board).

2. On or about August 4, 1994, the Board issued Pharmacist License No. RPH 47276 to Lisa Anne Panab a.k.a. Lisa Anne Kesler a.k.a. Lisa Ann Kesler a.k.a. Lisa Aanne Kesler (Respondent). The Pharmacist License was in full force and effect at all times relevant to the charges brought herein and has expired on September 30, 2009.

JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 118, subdivision (b), provides that the suspension / expiration / surrender / cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

5. Section 4059, subdivision (a) provides in pertinent part: "A person may not furnish any dangerous drug, except upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian. . . ."

6. Section 4060 provides in pertinent part:

"No person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian. . . ."

7. Section 4300, subdivision (a), states: "Every license issued may be suspended or revoked."

8. Section 4301 states, in pertinent part:

"The board shall take action against any holder of a license who is guilty of unprofessional conduct or whose license has been procured by fraud or misrepresentation or issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the following:

. . . .

"(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or corruption, whether the act is committed in the course of relations as a licensee or otherwise, and whether the act is a felony or misdemeanor or not.

. . . .

///

///

"(h) The administering to oneself, of any controlled substance, or the use of any dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to oneself, to a person holding a license under this chapter, or to any other person or to the public, or to the extent that the use impairs the ability of the person to conduct with safety to the public the practice authorized by the license.

. . . .

"(j) The violation of any of the statutes of this state, of any other state, or of the United States regulating controlled substances and dangerous drugs.

. . . .

"(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. . . .

. . . .

"(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision or term of this chapter or of the applicable federal and state laws and regulations governing pharmacy, including regulations established by the board or by any other state or federal regulatory agency."

9. Section 490 states:

"A board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code."

///

///

10. California Code of Regulations, title 16, section 1770, states:

"For the purpose of denial, suspension, or revocation of a personal or facility license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered substantially related to the qualifications, functions or duties of a licensee or registrant if to a substantial degree it evidences present or potential unfitness of a licensee or registrant to perform the functions authorized by his license or registration in a manner consistent with the public health, safety, or welfare."

11. Section 125.3 states, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

CONTROLLED SUBSTANCES/ DANGEROUS DRUGS

12. Codeine, generic name for codeine phosphate, is a Schedule II controlled substance as defined in Health and Safety Code section 11055 (b)(1)(h); and categorized as a dangerous drug pursuant to Business and Professions Code section 4022.

13. Hydromorphone, an opium derivative, is a Schedule II controlled substance as designated by Health and Safety Code section 11055(b)(1)(k) and is categorized as a dangerous drug pursuant to Business and Professions Code section 4022.

14. Morphine is a Schedule II controlled substance pursuant to Health and Safety Code section 11055(b)(1)(M) and a dangerous drug pursuant to Business and Professions Code section 4022.

15. Adipex, brand name for Phentermine, a stimulant, is classified as a Schedule IV controlled substance pursuant to the Health and Safety Code section 11057(f)(4), and is a dangerous drug within the meaning of Business and Professions Code section 4022.

16. Vicodin/Norco, trade name for a combination drug containing hydrocodone bitartrate (opioid analgesic) and acetaminophen, is a Schedule III controlled substance as defined in Health and Safety Code section 11056(e)(7) and is categorized as a dangerous drug according to Business and Professions Code section 4022.

17. Motrin, brand name for Ibuprofen, is categorized as a dangerous drug according to Business and Professions Code section 4022.

18. Levoquin, brand name for Levofloxacin, is categorized as a dangerous drug according to Business and Professions Code section 4022.

19. Locoid, brand name for Hydrocortisone, is categorized as a dangerous drug according to Business and Professions Code section 4022.

20. Lidocaine is categorized as a dangerous drug according to Business and Professions Code section 4022.

21. Dextroamphetamine is a Schedule II controlled substance pursuant to Health and Safety Code section 11055(d)(1) and a dangerous drug pursuant to Business and Professions Code section 4022.

FIRST CAUSE FOR DISCIPLINE

(Conviction of Substantially Related Crime)

22. Respondent is subject to disciplinary action under Code sections 490 and 4301, subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770, on the grounds of unprofessional conduct, in that on or about May 13, 2005, Respondent was convicted of a crime substantially related to the qualifications, functions or duties of a licensee, as follows:

a. On or about May 13, 2005, in a criminal proceeding entitled *The People of the State of California v. Lisa Ann Kesler* in Kern County Superior Court, Metropolitan Justice Building, Case No. BM668119A, Respondent was convicted on a plea of *nolo contendere* for violating Vehicle Code section 23103.5(a) (plea to violation of Veh. Code, § 23103 [reckless driving] in lieu of Veh. Code, § 23153 [DUI factual basis]), a misdemeanor.

b. The circumstances surrounding the conviction are that on or about December 15, 2004, California Highway Patrol officers observed Respondent driving a vehicle with a child unsecured by safety belts. Respondent admitted to the officers that she had taken Vicodin, a controlled substance and dangerous drug. Respondent tested positive for amphetamines and opiates: phentermine, codeine, morphine, hydrocodone (Vocodin) and

hydromorphone.

SECOND CAUSE FOR DISCIPLINE

(Dangerous Use of Controlled Substance)

23. Respondent is subject to disciplinary action under Code section 4301, subdivision (h), in that Respondent used dangerous drug/controlled substance to the extent or in a manner as to be dangerous or injurious to herself, or to any other person or to the public. The circumstances are as described in paragraph 22 above, which is incorporated herein by reference.

THIRD CAUSE FOR DISCIPLINE

(Commission of Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit)

24. Respondent is subject to disciplinary action under Code section 4301, subdivision (f), in that Respondent committed acts involving moral turpitude, dishonesty, fraud, deceit, or corruption, as follows:

a. On or about April 21, 2007, while working as a pharmacist at Rite Aid Pharmacy, Tehachapi (42591), Respondent diverted controlled substances and dangerous drugs from the pharmacy for her own use. These drugs included hydrocodone/acetaminophen (Vicodin, Norco), Ibuprofen, Dextroamphetamine, Phentermine, Levoquin, Lidocaine ointment and Locoid (hydorcortisone) ointment.

b. On or about April 21, 2007, upon being questioned by police officers about the stolen drugs, Respondent provided the officers with false identity regarding her name, date of birth and home address. Respondent also misrepresented to the officers that she had prescriptions for the tubes of ointment found in her possession.

c. On or about June 16, 2004, in Case No. BM654645A, Respondent was convicted on her plea of *nolo contendere* for violating Penal Code section 488 (petty theft), a misdemeanor, in the criminal proceeding entitled *The People of the State of California v. Lisa Anne Kesler*, Kern County Superior Court, Metropolitan Justice Building. The Court deferred entry of the judgment.

///

d. The circumstances are that on or about May 1, 2004, Respondent was arrested for stealing merchandise worth a value of approximately $24.00 from Wal-Mart.

e. On or about September 2, 2003, in Case No. CC257243, Respondent was convicted on her plea of *nolo contendere* for violating Health and Safety Code section 11350(a) (possession of a controlled substance - Vicodin), a felony, and Penal Code section 490.1 (petty theft of value less than $50), an infraction, in the criminal proceeding entitled *The People of the State of California v. Lisa Aanne Kesler aka Lisa Anne Kesler*, Santa Clara County Superior Court. The Court deferred entry of the judgment.

f. The circumstances are that on or about August 1, 2002, Respondent was arrested for stealing toys and produce worth a value of approximately $38.18 from Albertson's in San Jose. During an inventory search of Respondent's personal property, the officers found unmarked prescription bottles containing various marked pills and tablets of phentermine, Vicodin, and others. Respondent admitted she had no prescription for these drugs.

FOURTH CAUSE FOR DISCIPLINE

(Violation of Statutes Governing Dangerous Drugs/Controlled Substances)

25. Respondent is subject to disciplinary action under Code section 4301, subdivisions (j) and (o) for violating Code sections 4059, subdivision (a) and 4060, in that Respondent possessed and furnished to herself dangerous drugs and controlled substances without a valid prescription. The circumstances are as set forth in paragraph 24 (a) above, and incorporated herein by reference.

///

///

///

///

///

///

///

///

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Pharmacy issue a decision:

1. Revoking or suspending Pharmacist License No. RPH 47276, issued to Lisa Anne Panab a.k.a. Lisa Anne Kesler a.k.a. Lisa Ann Kesler a.k.a. Lisa Aanne Kesler.

2. Ordering Lisa Anne Panab to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED: 12/18/07

VIRGINIA HEROLD
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California

Complainant

LA2006602093
10/12/07 lls